

Susie & Frank,

We're not saying BP is establishing a system to downplay or disregard the human health risks associated with cleaning up from the biggest oil disaster in history. But, we are asking Senator Nelson and Senator LeMieux to intercede on behalf of all the people in Florida to assign an honest, transparent government agency to investigate the toxins associated with this disaster. We ask that the agency investigating potential health problems submit interim reports on FDA/CDC websites on the Internet.

Testing for toxins and potential health risks is a job for the US government not BP. Developing scientific information and reporting on what health concerns is also the job of the US government not, BP.

BP is in charge of cleaning up their mess and compensating the people and businesses they damaged, but BP is not in charge of determining if citizens might have a health issue because of oil and dispersants spewed upon our waters.

As you can read from the articles below, the **Center for Toxicology and Environmental Health** <<http://www.cteh.com/>>; is a private contractor with all the incentive to please their client, BP. The article says CTEH won't release their data but their Web site homepage says they are releasing data to federal agencies. The US government should be developing independent data. Who is looking out for us?

I hate to sound like an alarmist but if we don't question what's going on **as it is going on**, we will be stuck with only the data BP's contractor wants us to see. That would be inexcusable. Please let us know if you can force the appropriate governmental agency to do tests on behalf of us instead of relying on BP's subcontractor.

Thank you.

Bob Jones  
Southeastern Fisheries Association

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## Record of BP's Gulf Worker-Testing Firm Raises Conflict-Of-Interest Questions

By ELANA SCHOR of [Greenwire](#)

The private contractor hired by BP PLC as the primary monitor of offshore workers in the Gulf of Mexico is no stranger to environmental calamity.

After a million gallons of oil spilled on a Louisiana town in 2005, after a flood of toxic coal ash smothered central Tennessee in 2008 and after defective Chinese drywall began plaguing Florida homeowners, the same firm was on the scene -- saying everything was fine.

Now that the Center for Toxicology and Environmental Health (CTEH) has a high-profile role in the Gulf spill, local community groups and other chemical testing veterans see a troubling pattern at work. As BP continues to claim that the leaking oil has caused "no significant exposures," despite the hospitalization of several workers and the sparse release of test data, these observers of CTEH's work say the firm has a vested interest in finding a clean bill of health to satisfy its corporate employer.

"It's essentially the fox guarding the chicken coop," said Nicholas Cheremisinoff, a former Exxon chemical engineer who now consults on pollution prevention.

"There is a huge incentive for them to under-report" the size of the spill, Cheremisinoff added, and "the same thing applies on the health and safety side."

Another toxicologist familiar with CTEH, who requested anonymity to avoid retribution from the firm, described its chemical studies as designed to meet the goals of its clients. "They're paid to say everything's OK," this source said. "Their work product is, basically, they find the least protective rules and regulations and rely on those."

When CTEH was hired by Murphy Oil Corp. to test for contamination from its post-Hurricane Katrina refinery spill in Chalmette, La., the company collected composite soil samples from multiple locations. U.S. EPA's [plan](#) (pdf) (pdf) for soil sampling in the area, however, specified that "grab" samples from one area should be used to ensure accuracy.

Even those broad details of methodology are unavailable for CTEH's efforts in the Gulf. The Occupational Safety & Health Administration (OSHA) [has released](#) the frequency and locations of its tests taken at 10 on-shore and near-shore sites, but BP has provided [bar graphs](#) (pdf) that summarize ranges of workers' chemical exposures in general locations.

Not even federal health officials have seen CTEH's complete testing information.

John Howard, director of the National Institute for Occupational Safety and Health, told *Greenwire* this week that he wants to see a "centralized, coordinated, transparent database" of health data on Gulf workers.

"Not only government-collected data, but private contractors," Howard said.

After examining a list of past CTEH work, Rep. Lois Capps (D-Calif.) -- who has asked President Obama to formally relieve BP from the duty of protecting the health of Gulf workers and locals -- concluded that the firm's name "belies what they've really been [doing] ... protecting industry."

Capps said she believes lawmakers can pry loose more testing data from BP and the total amount of CTEH's contract with the oil company: "We're going to be getting into areas this company is not going to want to talk about."

CTEH's Arkansas headquarters did not return several requests for comment. The company's website states that it has worked for EPA and the Department of Homeland Security. CTEH does not appear on EPA's roster of active contractors, but records of the agency's Clean Air Act Advisory Committee show a CTEH employee serving as an "industry" member.

A spokeswoman for the Joint Incident Command Center in New Orleans confirmed that CTEH and Total Safety, a BP contractor specializing in monitoring equipment, are the primary monitors of offshore worker exposure during the ongoing oil disaster. She asserted that government plays a role in "a checks and balances system" for worker monitoring but did not provide more details on that system.

#### From Ecuador to Appalachia

Public health advocate Anne Rolfes, director of the nonprofit group Louisiana Bucket Brigade, led independent chemical testing after the 2005 Chalmette spill. In a report released as Murphy Oil was using CTEH data to dissuade locals from filing lawsuits, the Brigade cited videotapes that showed one of the firm's employees smacking a soil sample against the pavement to dilute any possible chemical contamination before testing.

"I'm not surprised" that BP has hired CTEH for post-spill testing, Rolfes said. "Just look at their fingerprints."

The group's fingerprints extend as far as the Amazon, where Chevron Corp. has waged a long legal battle after its Texaco affiliate closed down operations that left lingering pollution in Ecuadorian rain forests. Indigenous tribes filed a class-action lawsuit linking the company's chemicals to health hazards from birth defects to cancer.

David Hewitt, then CTEH's occupational health director, reported in a 2005 analysis that "a causal relationship between residence near the [Ecuador] oil fields and the reported health effects simply cannot be supported." Among the factors complicating the cases, he said, was recall bias that made women "more likely to recall a spontaneous abortion" if they believed a chemical exposure had occurred.

When Chevron later cited CTEH and other paid reviewers in an Ecuadorian newspaper ad criticizing studies that linked its oil fields to health hazards, 50 scientists wrote a protest letter warning the oil company's consultants to "not be surprised if they are called to task for serving the interests of corporations."

Cheremisinoff, the former Exxon chemical engineer, said he is "100 percent certain" that CTEH would appear as an expert witness on BP's behalf in lawsuits filed by workers or residents who suffer adverse health effects from the Deepwater Horizon spill.



health risks facing Gulf workers. The oil giant now describes the government as a partner in developing the program for monitoring cleanup crews.

In a June 9 report on worker test results, BP confidently asserted that the health hazards of exposure to both dispersant chemicals and the components of leaking crude "are very low." In its latest summary, BP replaced those three words with an assurance that health risks "have been carefully considered in the selection of the various methods employed in addressing its spill."

The new BP summary, including results up to June 29, show a broad majority of workers testing below exposure limits set by the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH).

But the *Valdez*-linked chemical 2-butoxyethanol was detected at levels up to 10 parts per million (ppm) in more than 20 percent of offshore responders and 15 percent of those near shore. The NIOSH standard for 2-butoxyethanol, which lacks the force of law but is considered more health-protective than the higher OSHA limit, is 5 ppm.

Some public-health advocates pointed out that BP references the NIOSH ceiling of each chemical it tested for except 2-butoxyethanol, an ingredient in the Corexit 9527 dispersant that BP phased out after spraying it in the Gulf during the early days of the spill. "They're playing with these numbers," said Mark Catlin, a veteran industrial hygienist who has studied the worker-health fallout from the 1989 *Valdez* spill.

Natural Resources Defense Council Senior Scientist Gina Solomon described BP's continued offshore 2-butoxyethanol detection during the month of June as "worrisome."

"It suggests to me that there is still, clearly, a serious air-quality concern. ... [Gulf] air quality, if anything, seems to be deteriorating," Solomon said.

Hunter College toxicology professor Frank Mirer said it would be "implausible" that the ongoing detection of 2-butoxyethanol among workers could be attributable to only BP's early use of Corexit 9527.

On June 9, BP's testing summary stated: "BP has, for the very start, worked hard to ensure that the people involved in all the activities associated with the incident are protected." That sentence also appeared in this week's report, with "BP" replaced by "the Unified Area Command," the government's joint oil spill response effort.

More questions than answers

BP's latest report on worker exposures adds test results for three components of crude oil not mentioned in previous monitoring summaries: toluene, xylene and ethylbenzene. Solomon praised the company for releasing more of its data amid pressure for increased transparency from members of Congress ([E&E Daily](#), June 15).

"I was very happy to see they have presented results for many more chemicals than they were previously," she said.

However, the company's continued use of bar graphs that encompass ranges of exposures -- without including where and under what conditions the Gulf tests are performed -- left several occupational safety experts with more questions than answers.

New York Committee for Occupational Safety and Health industrial hygienist David Newman, who served on a U.S. EPA expert panel that evaluated lingering public health risks after the Sept. 11 attacks, cautioned against focusing on worker testing data without considering broader details of particular on-the-job chemical exposures.

"We had a humongous amount of data after 9/11," Newman said. "Most if not all of the data were reassuring. And yet harm was done."

Catlin echoed Newman's warning. "There are certainly some folks saying, 'Look at all this data, everything looks good,'" he said, "but we saw that same thing on the *Exxon Valdez*. ... The summary data BP provides is too sketchy to be able to give a clean bill of health."

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<http://www.nytimes.com/gwire/2010/07/09/09greenwire-new-bp-data-show-20-of-gulf-spill-r>